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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,551	01/23/2004	Fumio Futami	1614.1380	3204
21171 7590 01/10/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER KIM, DAVID S	
			ART UNIT	PAPER NUMBER
			2613	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/762,551

Applicant(s)

FUTAMI ET AL.

Examiner

David S. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004 and 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. **Claim 8** is objected to because of the following informalities:

In claim 8, antecedent basis for "said planar lightwave circuit" is lacking.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-2 and 5** are rejected under 35 U.S.C. 102(b) as being anticipated by Sharma et al. (U.S. Patent No. 6,081,355, hereinafter "Sharma").

Regarding claim 1, Sharma discloses:

A method of providing a multi-wavelength light source, comprising the steps of
modulating an optical pulse source so as to output optical pulses with a designated repetition frequency (e.g., 22 in Fig. 8 or 9);

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time-division multiplexing the optical pulses output by said optical pulse source so as to output optical pulses with a repetition frequency which is an integral multiple of said designated repetition frequency (e.g., 51 in Fig. 8 or 61-62 in Fig. 9); and

demultiplexing wavelengths of the optical pulses with the repetition frequency which is the integral multiple of said designated repetition frequency so as to output said wavelengths as the multi-wavelength light source (e.g., output in Fig. 8 or 9).

Regarding claim 2, Sharma discloses:

An apparatus for providing a multi-wavelength light source, comprising:

an optical pulse source which is modulated so as to output optical pulses with a designated repetition frequency (e.g., 22 in Fig. 8 or 9);

a time-division multiplexing unit which time-division multiplexes the optical pulses output by said optical pulse source so as to output optical pulses with a repetition frequency which is an integral multiple of said designated repetition frequency (e.g., 51 in Fig. 8 or 61-62 in Fig. 9);

and a wavelength demultiplexing unit which demultiplexes wavelengths of the optical pulses with the repetition frequency which is the integral multiple of said designated repetition frequency so as to output said wavelengths as the multi-wavelength light source (e.g., output in Fig. 8 or 9).

Regarding claim 5, Sharma discloses:

The apparatus for providing a multi-wavelength light source as claimed in claim 2, wherein said time-division multiplexing unit time-division multiplexes said optical pulses using a plurality of optical waveguides with different optical path lengths which are arranged in a planar lightwave circuit (51 in Fig. 8).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 3-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma.

Regarding claims 3-4, Sharma does not expressly disclose:

(claim 3) The apparatus for providing a multi-wavelength light source as claimed in claim 2, wherein said time-division multiplexing unit is a Mach-Zehnder-interferometer-type time-division multiplexing apparatus.

(claim 4) The apparatus for providing a multi-wavelength light source as claimed in claim 2, wherein said time-division multiplexing unit is a Michelson-interferometer-type time-division multiplexing apparatus.

However, these time-division multiplexing units are known and common in the art. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to employ any of these or other known and common time-division multiplexing units in the apparatus of Sharma. One of ordinary skill in the art would have been motivated to do this since one would recognize that any suitable time-division multiplexing unit would provide the basic desired function of providing higher pulse repetition frequency in the apparatus of Sharma (e.g., col. 9, l. 51-52, 64-65; col. 10, l. 4-5, 29-31, 37-40).

8. **Claims 6-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma in view of Morioka et al. ("Multiwavelength picosecond pulse source with low jitter and high optical frequency stability based on 200 nm supercontinuum filtering", hereinafter "Morioka").

Regarding claim 6, Sharma does not expressly disclose:

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The apparatus for providing a multi-wavelength light source as claimed in claim 2, wherein said wavelength demultiplexing unit is a wavelength demultiplexer having a multi-peak structure with a center transmission frequency spacing which is the integral multiple of said designated repetition frequency.

However, Morioka discloses the use of an arrayed-waveguide grating (AWG) wavelength demultiplexing unit (Morioka, AWG in Fig. 1). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to employ such a wavelength demultiplexer in the apparatus of Sharma. One of ordinary skill in the art would have been motivated to do this since Sharma cites the use of such a wavelength demultiplexer in the background of the art (AWG of Morioka via col. 1, l. 14-18 of Sharma). Additionally, AWGs have a multi-peak structure with a center transmission frequency spacing. Moreover, the exact value of the frequency spacing of the AWG is a flexible design parameter with a wide range that encompasses the integral multiple of said designated repetition frequency. One reasonable motivation for employing such a frequency spacing is that greater frequency spacing in wavelength demultiplexers, including the frequency spacing of an integral multiple of said designated repetition frequency, is generally associated with less demanding manufacturing and component tolerances, which leads to cheaper costs.

Regarding claim 7, Sharma in view of Morioka discloses:

The apparatus for providing a multi-wavelength light source as claimed in claim 6, wherein said wavelength demultiplexer is an arrayed waveguide grating filter (Morioka, AWG in Fig. 1).

Regarding claim 8, Sharma in view of Morioka does not expressly disclose:

The apparatus for providing a multi-wavelength light source as claimed in claim 7, wherein said planar lightwave circuit and said arrayed waveguide grating filter are provided on one board.

However, the integration of multiple components into one unit/housing/board is an extremely common practice in the art. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to do so with various components in the apparatus of Sharma in view of Morioka. One of ordinary skill in the art would have been motivated to do this since it is well known that integration generally provides benefits such as more compact apparatuses, economies of scale, and faster operation speeds.

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9. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma in view of Watanabe et al. (European Patent Application, EP 1 185 007 A2, hereinafter "Watanabe").

Regarding claim 9, Sharma does not expressly disclose:

The apparatus for providing a multi-wavelength light source as claimed in claim 2, further comprising a spectrum-broadening unit which broadens spectrum of the optical pulses which are received at said time-division multiplexing unit, said spreading effected by a non-linear medium having a third-order non-linear effect.

However, such spectrum-broadening units are known in the art, as shown by Watanabe (e.g., nonlinear optical waveguides/fibers in Figs. 2-3, 9, and 15). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include such a spectrum-broadening unit(s) to broaden the spectrum of the optical pulses which are received by the time-division multiplexing unit of Sharma. One of ordinary skill in the art would have been motivated to do this for any variety of exemplary beneficial applications disclosed in Watanabe, such as suppression of a reduction in optical signal-to-noise ratio (Fig. 2 and paragraph [0040]) and noise removal (Figs. 3-4 and paragraphs [0044-0049]). Additionally, a broader spectrum in the apparatus of Sharma could lead to a wavelength demultiplexing unit with less narrow frequency spacing requirements, which is generally associated with less demanding manufacturing and component tolerances, which leads to cheaper costs.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Das et al. is cited to show a related time-division multiplexing unit (Fig. 2). Gupta is cited to show a related time-division multiplexing unit (e.g., 27 in Fig. 2A).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Kim whose telephone number is 571-272-3033. The examiner can normally be reached on Mon.-Fri. 9 AM to 5 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth N. Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DSK



KENNETH VANDERPUYE
SUPERVISORY PATENT EXAMINER